

117TH CONGRESS  
2D SESSION

# S. 4129

To promote peace through strength in Taiwan, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 3, 2022

Mr. RUBIO introduced the following bill; which was read twice and referred  
to the Committee on Foreign Relations

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## A BILL

To promote peace through strength in Taiwan, and for other  
purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2   *tives of the United States of America in Congress assembled,*

3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Taiwan Peace through  
5   Strength Act of 2022”.

6   **SEC. 2. ANTICIPATORY POLICY PLANNING AND ANNUAL RE-**

7                   **VIEW OF UNITED STATES WAR PLANS TO DE-**  
8                   **FEND TAIWAN.**

9       (a) IN GENERAL.—Not later than 180 days after the  
10   date of the enactment of this Act, and annually thereafter,  
11   the Secretary of Defense shall conduct a classified review

1 of United States war plans to defend Taiwan and share  
2 the results of the review with the Chairman and Ranking  
3 Member of the Committee on Armed Services of the Sen-  
4 ate and the Committee on Armed Services of the House  
5 of Representatives.

6 (b) ELEMENTS.—The review conducted under sub-  
7 section (a) shall include the following elements:

8 (1) An assessment of Taiwan's current and  
9 near-term capabilities and United State force ready-  
10 ness and the adequacy of United States conflict con-  
11 tingency plans.

12 (2) A detailed strategy of denial to defend Tai-  
13 wan against aggression by the People's Liberation  
14 Army, especially an attempted fait accompli to seize  
15 and hold the island.

16 (3) A comprehensive assessment of risks to the  
17 United States and United States interests, including  
18 readiness shortfalls that pose strategic risk.

19 (4) A review of indicators of the near-term like-  
20 lihood of the use of force by the People's Liberation  
21 Army against Taiwan.

22 (5) The compilation of a pre-approved list of  
23 military capabilities, including both asymmetric and  
24 traditional capabilities selected to suit the oper-  
25 ational environment and to allow Taiwan to respond

1 effectively to a variety of contingencies across all  
2 phases of conflict involving the People's Liberation  
3 Army, that the Secretary of Defense has pre-cleared  
4 for Taiwan to acquire, and that would reduce the  
5 threat of conflict, thwart an invasion, and mitigate  
6 other risks to the United States and Taiwan.

7 **SEC. 3. FAST-TRACKING SALES TO TAIWAN UNDER FOR-**  
8 **EIGN MILITARY SALES PROGRAM.**

9 (a) PRECLEARANCE OF CERTAIN FOREIGN MILITARY  
10 SALES ITEMS.—

11 (1) IN GENERAL.—Not later than one year  
12 after the date of the enactment of this Act, and an-  
13 nually thereafter, the Secretary of State, in coordi-  
14 nation with the Secretary of Defense and in conjunc-  
15 tion with coordinating entities such as the National  
16 Disclosure Policy Committee and the Arms Transfer  
17 and Technology Release Senior Steering Group,  
18 shall compile a list of available and emerging mili-  
19 tary platforms, technologies, and equipment that are  
20 pre-cleared and prioritized for sale and release to  
21 Taiwan through the Foreign Military Sales program.  
22 The Department of Defense shall serve as the lead  
23 Federal agency for purposes of making final deter-  
24 minations when disputes arise between agencies

1       about the appropriateness of specific items for sale  
2       to Taiwan.

3                     (2) SELECTION OF ITEMS.—

4                     (A) IN GENERAL.—The items pre-cleared  
5        for sale pursuant to paragraph (1) shall rep-  
6        resent a full range of key asymmetric capabili-  
7        ties as well as the conventional capabilities in-  
8        formed by United States readiness and risk as-  
9        sessments and determined by Taiwan to be re-  
10       quired for various wartime scenarios and peace-  
11       time duties, and shall include each item on the  
12       list of approved items compiled by the Secretary  
13       of Defense pursuant to section 2(b)(5) unless  
14       the Secretary of State includes a determination  
15       for any excluded item that the costs to the  
16       United States of the failure to arm Taiwan with  
17       such item, including the likelihood of being  
18       drawn into conflict with the People’s Republic  
19       of China, are less likely to be incurred, and  
20       would be less costly if incurred, than the poten-  
21       tial costs, such as technology slippage, associ-  
22       ated with providing such item.

23                     (B) RULE OF CONSTRUCTION.—The list  
24        compiled pursuant to section 2(b)(5) shall not  
25       be construed as limiting the type, timing, or

1           quantity of items that may be requested by, or  
2           sold to, Taiwan under the Foreign Military  
3           Sales program.

4         (b) PRIORITIZED PROCESSING OF FOREIGN MILI-  
5 TARY SALES REQUESTS FROM TAIWAN.—

6           (1) REQUIREMENT.—The Secretary of Defense  
7           and the Secretary of State shall prioritize and expe-  
8           dite the processing of requests from Taiwan under  
9           the Foreign Military Sales program, and may not  
10          delay the processing of requests for bundling pur-  
11          poses.

12          (2) DURATION.—The requirement under para-  
13          graph (1) shall continue until the Secretary of De-  
14          fense determines and certifies to the Committee on  
15          Armed Services of the Senate and the Committee on  
16          Armed Services of the House of Representatives that  
17          the threat to Taiwan has significantly abated.

18          (3) ANNUAL REPORT.—Not later than 180 days  
19          after the date of the enactment of this Act, and an-  
20          nually thereafter for 10 years, the Secretary of De-  
21          fense shall submit to the Committee on Armed Serv-  
22          ices of the Senate and the Committee on Armed  
23          Services of the House of Representatives a report  
24          describing steps taken to implement the requirement  
25          under paragraph (1).

1                   (c) PRIORITY PRODUCTION.—

2                   (1) REQUIREMENT.—Contractors awarded De-  
3 partment of Defense contracts to provide items for  
4 sale to Taiwan under the Foreign Military Sales pro-  
5 gram shall be required, as a condition of receiving  
6 such contracts, to expedite and prioritize the produc-  
7 tion of such items above the production of other  
8 items regardless of the order in which contracts were  
9 signed.

10                  (2) DURATION.—The requirement under para-  
11 graph (1) shall continue until the Secretary of De-  
12 fense determines and certifies to the Committee on  
13 Armed Services of the Senate and the Committee on  
14 Armed Services of the House of Representatives that  
15 the threat to Taiwan has significantly abated.

16                  (3) ANNUAL REPORT.—Contractors covered  
17 under paragraph (1) shall be required to report an-  
18 nually to the Committee on Armed Services of the  
19 Senate and the Committee on Armed Services of the  
20 House of Representatives on efforts to expedite and  
21 prioritize production as required under such para-  
22 graph.

23                  (d) INTERAGENCY POLICY.—The Secretary of State  
24 and the Secretary of Defense shall jointly review and up-  
25 date interagency policies and implementation guidance re-

1 lated to Foreign Military Sales requests from Taiwan, in-  
2 cluding incorporating the preclearance and prioritization  
3 provisions of this section.

4 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR FOR-**  
5 **EIGN MILITARY FINANCING GRANT ASSIST-**  
6 **ANCE TO TAIWAN.**

7 (a) TAIWAN SECURITY PROGRAMS.—In addition to  
8 amounts otherwise authorized to be appropriated for For-  
9 eign Military Financing, there is authorized to be appro-  
10 priated to the Department of State for the exclusive pur-  
11 pose of Taiwan Foreign Military Finance grant assistance  
12 programs \$2,000,000,000 for each of fiscal years 2023 to  
13 2032.

14 (b) RESTRICTIONS ON TAIWAN FOREIGN MILITARY  
15 FINANCING.—Amounts authorized to be appropriated  
16 under subsection (a) shall be available only if—

17 (1) Taiwan commits to match the appropriated  
18 spending on a dollar-for-dollar basis, as reflected in  
19 Taiwan's annual allocation for defense spending and  
20 special budgets passed by the Legislative Yuan for  
21 additional defense spending;

22 (2) Taiwan focuses on the acquisition of asym-  
23 metric capabilities consistent with a strategy of de-  
24 nial while also modernizing sufficient conventional  
25 capabilities to respond to a variety of contingencies

1       across all phases of conflict, including grey zone ac-  
2       tivities, and execute essential peacetime missions;  
3       and

4                 (3) the United States and Taiwan formally  
5       agree—

6                         (A) to conduct joint long-range planning  
7       for capability development; and

8                         (B) on the expenditure of such amounts  
9       and on specific, pre-cleared systems and train-  
10      ing that reduce risk to Taiwan and the United  
11      States by deterring the People's Liberation  
12      Army.

13                 (c) UPDATED INTERAGENCY POLICY AND GUID-  
14      ANCE.—

15                 (1) IN GENERAL.—Not later than 180 days  
16       after the date of the enactment of this Act, the Sec-  
17      retary of State and the Secretary of Defense shall  
18      review and update interagency written policy and  
19      implementation guidance related to the Taiwan Re-  
20      lations Act (Public Law 96–8).

21                 (2) ELEMENTS.—The updated policy and guid-  
22      ance required under paragraph (1) shall—

23                         (A) reflect the Foreign Military Sales  
24      prioritization requirements under section 3; and

(B) update obsolete policy guidance based on “arms of a defensive character” to a policy based on deterring the People’s Liberation Army, including the provision of arms designed to deter an invasion, whether arms of a defensive or offensive nature.

## **7 SEC. 5. AMENDMENTS TO TAIWAN RELATIONS ACT.**

(a) POLICY.—Section 2(b)(5) of the Taiwan Relations Act (22 U.S.C. 3301(b)(5)) is amended by striking “arms of a defensive character” and inserting “arms conducive to the deterrence of acts of aggression by the People’s Liberation Army”.

(b) PROVISION OF DEFENSE ARTICLES AND SERVICES.—Section 3(a) of the Taiwan Relations Act (22 U.S.C. 3302(a)) is amended by striking “such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability” and inserting “such defense articles and defense services in such quantity as may be necessary to enable Taiwan to implement a strategy of denial and deter acts of aggression by the People’s Liberation Army”.

22 (c) RULE OF CONSTRUCTION.—Section 4 of the Tai-  
23 wan Relations Act (22 U.S.C. 3303) is amended by adding  
24 at the end the following new subsection:

1        “(e) SECURITY COOPERATION AND DETERRENCE OF  
2 USE OF FORCE BY PEOPLE’S LIBERATION ARMY.—Nothing  
3 in this Act, nor the facts of the President’s action in  
4 extending diplomatic recognition to the People’s Republic  
5 of China, the absence of diplomatic relations between the  
6 people of Taiwan and the United States, or the lack of  
7 formal recognition by the United States, and attendant  
8 circumstances thereto, shall be construed to constitute a  
9 legal or practical obstacle to any otherwise lawful action  
10 of the President or of any United States Government  
11 agency that is needed to advance or protect United States  
12 interests pertaining to Taiwan, including actions intended  
13 to strengthen security cooperation between the United  
14 States and Taiwan or to otherwise deter the use of force  
15 against Taiwan by the People’s Liberation Army.”.

16 **SEC. 6. COMPREHENSIVE TRAINING PROGRAM.**

17        (a) IN GENERAL.—The Secretary of Defense shall establish a comprehensive training program with Taiwan designed to achieve interoperability and improve Taiwan’s defense capabilities. The training program should include joint United States-Taiwan contingency tabletop exercises, war games, full-scale military exercises, and an enduring rotational United States military advisory group large enough to ensure Taiwan maintains force readiness and can fully utilize United States technologies released

1 through the Foreign Military Sales and Foreign Military  
2 Financing programs.

3 (b) ANNUAL REPORT.—Not later than 180 days after  
4 the date of the enactment of this Act, and annually there-  
5 after for 10 years, the Secretary of Defense shall submit  
6 to the Committee on Armed Services of the Senate and  
7 the Committee on Armed Services of the House of Rep-  
8 resentatives a report on the establishment and implemen-  
9 tation of the comprehensive training program required  
10 under subsection (a).

**11 SEC. 7. MILITARY PLANNING MECHANISM.**

12 The Secretary of Defense shall establish a high-level  
13 military planning mechanism between the United States  
14 and Taiwan to oversee a Joint and Combined Exercise  
15 Program and coordinate International Military Education  
16 and Training assistance and professional exchanges aimed  
17 at determining and coordinating the acquisition of capa-  
18 bilities for both United States and Taiwan military forces  
19 to address the needs of currently anticipated and future  
20 contingencies. The mechanism may be modeled after the  
21 Joint United States Military Advisory Group Thailand, or  
22 any such similar existing arrangement, as determined by  
23 the Secretary of Defense.

**1 SEC. 8. PROHIBITION ON DOING BUSINESS IN CHINA.**

2 Any contractor awarded a Department of Defense  
3 contract shall be required, as a condition of receiving such  
4 contract, not to conduct any business in the People's Re-  
5 public of China. Noncompliance with such requirement  
6 shall be grounds for termination of the contract.

